

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

SUITS – High Court of A.P. – Implementation of the orders of the Hon'ble High Court dated 11-08-2010 in W.P.No.18253 of 2000 filed by Sri S.Ramesh Babu, Physical Director, Noble College, Machilipatnam, Krishna District for regularization of services with effect from 07-10-1997 – Orders – Issued.

HIGHER EDUCATION (CE.II-1) DEPARTMENT

G.O.Rt.No. 16

Dated:13-01-2011.
Read the following:-

1. Orders of the Hon'ble High Court dated 11-08-2010 in W.P.No.18253 of 2000 filed by Sri S.Ramesh Babu, Physical Director, Noble College, Machilipatnam, Krishna District
2. Representation of Sri S.Ramesh Babu, Physical Director, Noble College, Machilipatnam, Krishna District dt.29-09-2010.
3. From the CCE., A.P., Hyd., Lr.Rc.No.2302/Admn.I-1/2000, dated 11-01-2011.
4. From the CCE., A.P., Hyd., Lr.Rc.No.2302/Admn.I-1/2000, dated 05-08-2011 and 27-08-2011.

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ORDER:-

Sri S. Ramesh Babu, Physical Director, Noble College, Machilipatnam, Krishna District has filed W.P., before the Hon'ble High Court of A.P., Hyderabad for regularization of his services from the date of joining i.e., 01-02-1994. The Hon'ble High Court while allowing the W.P., in its order Dt. 11-08-2010 in W.P.No.18253 of 2000 among other things held that:---

"The learned Government Pleader produced two letters bearing Lr.Rc.No.1985/PC.4-1/96, dated 18-09-1999 and Lr.Rc.No.2302/Admn.VI-1/2000 dated 18-6-2001 to show that even as on 31-01-1994, two vacancies of Physical Director were available.

In view of the fact that appointment of D.Charles, who was working in the very same college and whose initial appointment was also not in accordance with the selection process, as required under the law, was ratified and his services were regularized from the date of his initial appointment. Thus, the petitioner is also entitled for the same treatment. Therefore, the impugned order passed on 5-01-05 approving the appointment of the petitioner as Physical Director as against the second vacant aided post with prospective effect is illegal and arbitrary when the post was available as on 31-01-1994 and it was upgraded with retrospective effect from 16-11-1984, and therefore, the petitioner is also entitled to regularization of his services from the date of his initial appointment on 31-01-1994".

2. Sri S.Ramesh Babu in his representation 2nd read above vide enclosed the above Hon'ble High Court order and requested the Government to issue orders in the matter.

3. The Commissioner of Collegiate Education, A.P., Hyderabad in his letter 3rd read above has stated that Sri. S.Ramesh Babu, (the petitioner in W.P No. 18253 of 2000) was initially appointed as Physical Director on 11-06-1998 in Noble College, Machilipatnam, Krishna District to teach B.Sc., Physical Education course which was introduced exclusively with the UGC funds for a specific period of 5 years with effect from August, 1988. Later on the course was wound up and the persons appointed for the purpose were terminated from service by the management except Sri S.Ramesh Babu, Physical Director. The

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post of Physical Director to teach B.Sc., Physical Education Course, was an un-aided post. He was again appointed by the management as Assistant Physical Director on 01-02-1994 (in an aided post) in the vacancy caused due to the promotion of Sri P.W. Bhaskar Rao, Assistant Physical Director, who was promoted as Physical Director. For this promotion and appointment, no prior permission of the Commissioner of Collegiate Education, A.P., Hyderabad was obtained.

4. The Commissioner of Collegiate Education, in the reference 4th read above has stated that the Hon'ble High Court held that the petitioner in W.P.No.18253/2000 is entitled for regularization of his services from the date of his appointment on 31.01.1994, but, in fact, there was no aided vacant post of Assistant Physical Director as on 31.01.1994 and as such, the petitioner could not have been regularized from that date and requested to pass suitable orders in the matter.

5. After careful examination of the matter and to comply the orders of the Hon'ble High Court dated 11-08-2010, the Government hereby permit the Director of Collegiate Education, A.P., Hyderabad to implement the orders of the Hon'ble High Court dated 11-08-2010 in W.P.No.18253 of 2000 filed by Sri S. Ramesh Babu, Physical Director, Noble College, Machilipatnam, Krishna District for regularization of his services with effect from 07-10-1997 i.e., the date on which the aided post fell vacant, subject to the out come of the Writ Appeal to be filed in the matter.

6. The Director of Collegiate Education, A.P., Hyderabad shall take further action in the matter accordingly.

7. This orders issues with the concurrence of Finance (Expr.HE) Department, vide their U.O.No.34014/869/Expr.HE/2011, dated 28-12-2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.G. GOPAL,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
The Director of Collegiate Education, A.P., Hyderabad.
The individual "thro" D.C.E., A.P., Hyd.
The G.P. for Higher Education High Court of A.P., Hyderabad.
Copy to:
Finance (Expr.HE) Department.
P.S. to Special Secretary to C.M.
P.S. to Dy. C.M.
P.S. to Principal Secretary (HE)
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER.